

UNITED STATES DISTRICT COURT

for the
Southern District of Ohio

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

THE PERSON OF TRAVIS DEANGELO SMITH WITH A
CURRENT ADDRESS OF 705 HANOVER STREET,
HAMILTON, OHIO

Case No.

3:17mj-131

MICHAEL J. NEWMAN

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

The person of Travis Deangelo Smith with a current address of 705 Hanover Street, Hamilton, Ohio.

located in the Southern District of Ohio, there is now concealed (identify the person or describe the property to be seized):

a DNA sample, which will be obtained by placing a cotton swab inside the mouth of Travis Deangelo Smith and then rubbing the inside of his cheeks to obtain cellular material

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

18 USC 922(g)(1)

felon in possession of a firearm

The application is based on these facts:

SEE ATTACHED AFFIDAVIT

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me and signed in my presence.

Date:

4/4/17

City and state: DAYTON, OHIO

Applicant's signature

SA KENNETH R. PITNEY, ATF

Printed name and title

Judge's signature

MICHAEL J. NEWMAN, U.S. MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT

Your Affiant, Kenneth R. Pitney, being duly sworn, states as follows:

I.

INTRODUCTION

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) since July 2013. I am a graduate of the Federal Law Enforcement Training Center's Criminal Investigator Training Program and the ATF National Academy's Special Agent Basic Training Program. Through these training programs, I received training in firearms and Federal firearm laws. During my career with ATF, your affiant has written and/or participated in numerous federal search warrants and/or arrest warrants for the illegal possession of firearms and narcotics. I am aware of federal firearms laws and know that possession of a firearm by a prohibited person is a violation of Title 18, United States Code, Section 922(g).

II.

PURPOSE OF THE AFFIDAVIT

2. I make this affidavit in support of an application for a warrant to search and obtain a Deoxyribonucleic Acid (DNA) sample from the person of Travis DeAngelo SMITH (date of birth 05/27/1997; current address of the Butler County Jail, 705 Hanover Street, Hamilton, Ohio) as this DNA sample may constitute evidence of violations of 18 U.S.C. § 922(g) possession of a firearm by a prohibited person.

3. This affidavit is intended to show that there is sufficient probable cause for the above-described search warrant and does not purport to set forth all of my knowledge of, or investigation into, this matter. The facts and information contained in this affidavit are based on my personal knowledge, my training and experience.

III.

SUMMARY OF PROBABLE CAUSE

4. On March 9, 2017, at approximately 0150 hours, Ohio State Highway Patrol (OSHP) Trooper (Tpr.) N. Thornton initiated a traffic stop for a moving violation on a 2007 silver Chrysler 300 bearing Ohio Temporary Registration E274704 (hereinafter “the vehicle”) in the area of southbound Interstate 675 (I-675) at the Indian Ripple Road exit in Dayton, Ohio. After the OSHP marked unit pulled in behind, the vehicle, Tpr. Thornton noted that the vehicle speed had drastically reduced going well below the posted speed limit. Once Tpr. Thornton activated his emergency lights signaling for the vehicle to stop, it exited I-675 and came to a stop on the exit ramp to Indian Ripple Road. Upon Tpr. Thornton reaching the area of the trunk of the vehicle, the vehicle sped off. Tpr. Thornton gave pursuit until the vehicle crashed and came to rest in the area of West Dorothy Lane at Winding Way, Kettering Ohio.

5. Upon Tpr. Thornton’s arrival to the crash, he observed that the vehicle had crashed into a gas meter causing a dangerous situation. Tpr. Thornton also observed: the driver of the vehicle, later identified as Bryan K. Walker, II, hanging out of the driver’s window with his foot caught in the steering wheel; the right-front-passenger, later identified as Markeil Clayton Fletcher, unconscious and laying across the center console into the driver’s seat; the left-rear-passenger, later identified as DeTwan Devone Brown, conscious with a broken femur; and the right-rear-passenger, later identified as Travis De-Angelo SMITH, laying on the trunk of the vehicle unconscious. While attempting to get the four occupants to safety, Tpr. Thornton observed SMITH climbing back into the right-rear-floorboard area of the vehicle and reaching towards the floor. Tpr. Thornton gave SMITH multiple commands to stop reaching in that area and to show him his hands, which SMITH did not readily obey. Tpr. Thornton then removed SMITH and adjusted the front passenger seat so that SMITH could not reach into that area again. During the incident, SMITH blurted out that he was trying to get his boot.

6. After all of the vehicle's occupants had been transported to the Kettering Medical Center for treatment of their injuries, Tpr. P. Coates and Tpr. Teufel conducted an administrative inventory of the vehicle. During the inventory, Tpr. Coates located a firearm, later identified as a Glock model 22, .40 caliber semiautomatic pistol bearing serial number TEZ695 (hereinafter "the firearm"), on the right-rear-passenger floorboard sticking out from under the back of the front passenger seat. Tpr. Coates noted that there was a boot shoved up under the seat, which would have prevented the firearm from going or coming from under the seat. Tpr. Coates asked Kettering Police Department (KPD) Patrolman (Ptl.) Paulin to secure the firearm since he was wearing gloves at the time. Ptl. Paulin recovered the firearm and noted that an article of clothing was covering a large portion of the firearm. Ptl. Paulin recovered the firearm in a way that it did not brush up against any other parts of the vehicle and the firearm was then preserved for DNA and fingerprint evidence. Ptl. Paulin noted that he did not get blood on his person or his gloves while retrieving the firearm.

7. Several of the law enforcement officers present noted that SMITH was the only occupant who seemed to be bleeding a lot, which was due to SMITH having significant facial injuries. The law enforcement officers also noted that the areas of significant amounts of blood in the vehicle were the areas of the right-rear-passenger seat. Ptl. Paulin noted what appeared to be a significant amount of blood on the firearm including on the top of the slide and on the magazine. The affiant examined the firearm and noted that the magazine had what appeared to be blood on all sides.

8. The firearm was submitted to the Hamilton County crime laboratory for analysis. A sample from the firearm was obtained and preserved at the laboratory to be compared to a known DNA profile.

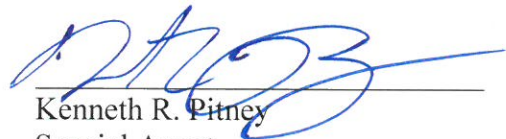
9. Based on the investigation, your affiant believes the firearm recovered from the vehicle belongs to Travis DeAngelo SMITH. Your affiant is requesting a sample of Travis

DeAngelo SMITH's DNA, to compare with DNA samples recovered from the firearm by the Hamilton County crime laboratory.

IV.

CONCLUSION

10. Based on the foregoing, I believe that there is probable cause to issue a search warrant and obtain a Deoxyribonucleic Acid (DNA) sample from the person of Travis DeAngelo SMITH's (date of birth 05/27/1997; current address of Butler County Jail, 705 Hanover Street, Hamilton, Ohio) as this DNA sample may constitute evidence of violations of 18 USC. § 922(g) possession of a firearm by a prohibited person. Therefore, I request that the Court allow me and other law enforcement officers to take a cotton swab and place it inside the mouth of Travis DeAngelo SMITH, rubbing the inside of his cheek to obtain cellular material. Based on my training and experience, I know that this procedure is quick, painless and involves minimal intrusion into the body.



Kenneth R. Pitney
Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Subscribed and sworn to before me this 4th day of April, 2017.



MICHAEL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

